

HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KYLLE AND SHAWNETTE BERNETHY,
individually and on behalf of their marital community,

Plaintiffs,

v.

LAKECOURT APARTMENTS, LLC, a Washington
limited liability company; FANEUIL HALL
APARTMENTS, LLC, a Washington limited liability
company; and MIKE and TONYA HEATHMAN, a
marital community,

Defendants.

LAKECOURT APARTMENTS, LLC, a Washington
limited liability company; FANEUIL HALL
APARTMENTS, LLC, a Washington limited liability
company; and MIKE and TONYA HEATHMAN, a
marital community,

Counterclaimants,

v.

KYLLE AND SHAWNETTE BERNETHY,
individually and on behalf of their marital community,

Counterclaim Defendants.

NO. 2:18-CV-01014-TSZ

STIPULATED MOTION FOR
DISMISSAL BASED UPON
PLAINTIFF'S WITHDRAWAL OF
REMAINING CLAIMS AND
PAYMENT BY COUNTERCLAIMANT
DEFENDANTS TO
COUNTERCLAIMANTS

AND

ORDER

{KIL2177935.DOCX;1/05342.000002/ }

STIPULATED MOTION FOR DISMISSAL BASED UPON PLAINTIFF'S
WITHDRAWAL OF REMAINING CLAIMS AND PAYMENT BY
COUNTERCLAIMANT DEFENDANTS AND ORDER- 1
NO. 2:18-CV-01014-TSZ

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I. STIPULATION

Counterclaimants Lake Court Apartments, LLC, Faneuil Hall Apartments, LLC, Mike Heathman and Tanya Heathman (“Counterclaimants”), by and through their attorneys of record, hereby stipulate that their counterclaims against Counterclaim Defendants Kyle Bernethy and Shawnette Bernethy (collectively “Counterclaim Defendants”) shall be dismissed with prejudice upon the payment of \$10,000 by Kyle and Shawnette Bernethy to Counterclaimants’ for Counterclaimants’ claims against Kyle and Shawnette Bernethy for: (1) defamation; (2) negligent misrepresentation; (3) intentional misrepresentation; (4) fraud/fraudulent inducement; (5) tortious interference; (6) unjust enrichment; and (7) breach of fiduciary duties.

The parties further acknowledge that on February 13, 2020 and pursuant to Defendants’ Lake Court Apartments, LLC, Faneuil Hall Apartments, LLC, Mike Heathman’s and Tanya Heathman’s (collectively “Defendants”) Motion for Summary Judgment, the Court dismissed with prejudice the following claims brought by Plaintiffs Kyle and Shawnette Bernethy: (1) unpaid wages; (2) breach of contract as to any alleged claims regarding a property management position and/or rent concession; (3) unjust enrichment as to any alleged claims regarding a property management position and/or rent concession; (4) violation of the Washington Law Against Discrimination; (5) Whistleblower Retaliation and Wrongful Termination; and (6) Intentional and/or Negligent Infliction of Emotional Distress.

Although the Court allowed Plaintiffs’ claims of breach of contract and unjust enrichment as they relate only to work Plaintiffs allege they did at Faneuil Hall Apartments to proceed to trial, upon filing of this Stipulation, Plaintiffs shall be and are hereby deemed to have withdrawn those remaining claims, which shall be dismissed with prejudice without any payment to Plaintiffs and/or any costs or fees to Plaintiffs.

It is further stipulated that an Agreed Order of Dismissal may be presented without notice of presentation.

1 OGDEN MURPHY WALLACE, P.L.L.C.

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3 By /s/ Kari I. Lester
4 Kari I. Lester, WSBA #28396
Attorneys for Defendants/Counterclaimants

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6 LEGAL RESOLUTIONS, PLLC

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8 By /s/ Josias Flynn
9 Josias Flynn, WSBA #44130
Attorneys for Plaintiffs/Counterclaim Defendants

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STIPULATED MOTION FOR DISMISSAL BASED UPON PLAINTIFF'S
WITHDRAWAL OF REMAINING CLAIMS AND PAYMENT BY
COUNTERCLAIMANT DEFENDANTS AND ORDER- 3
NO. 2:18-CV-01014-TSZ

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